



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/518,501	03/03/2000	Mark D Erion	03072.0013.CIP1

Jessica R Wolff
Brobeck Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92130

FORMALITIES LETTER



OC000000005673024

Date Mailed: 01/11/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$4014.
 - \$2610 for 145 total claims over 20.
 - \$1404 for 18 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 4834.

*A copy of this notice **MUST** be returned with the reply.*

J. Thomas F. 6
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

file://C:\APPS\PreExam\correspondence\2_B.xml

0-/15/2001 ECKUBAY1 00000116 09518501
355.00 OP
1305.00 OP
760.00 OP
65.00 OP
01 FC:201
02 FC:203
03 FC:202
04 FC:205

1/11/01



Sector \$
Patent
030727.0013.CIP1 #5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant: Mark D. Erion, et al.

Serial No.: 09/518,501

Filed: March 3, 2000

For: NOVEL PHOSPHORUS-
CONTAINING PRODRUGS

)
) Group Art Unit: 1614
)
) Examiner: To be assigned
)
)
)
)
)
)
)

SUBMISSION OF MISSING PARTS AND RELATED APPLICATION PAPERS

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Sir:

1. Documents Enclosed:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION
UNDER 37 CFR 1.53(f)**, which was mailed by the Patent Office on January 11, 2001
enclosed are:

- ☒ Declaration;
- ☒ Recordation Form Cover Sheet (FORM PTO-1619A);
- ☒ Original Assignment of the invention to METABASIS THERAPEUTICS, INC.;

04/16/2001 EEKUBAY1 00000117 09518501

01 FC:215

55.00 0P

CERTIFICATE OF MAILING

(37 C.F.R. § 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

APRIL 10, 2001
DATE OF DEPOSIT

JEFF BENO

- ☒ Grant of Power of Attorney;
- ☒ Verified Statement to establish "Small Entity Status" under 37 CFR 1.9 and 1.27.(2);
- ☒ A copy of the Notice to File Missing Parts of Application under 37 CFR 1.53(f).

2. **REQUEST FOR EXTENSION OF TIME:**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input checked="" type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two month	\$195.00	\$390.00
<input type="checkbox"/> three month	\$445.00	\$890.00
<input type="checkbox"/> four month	\$695.00	\$1,390.00
<input type="checkbox"/> five month	\$945.00	\$1,890.00

3. **FILING FEES**

BASIC FILING FEE:			\$710.00
Total Claims	165 - 20 = 145 x \$18.00		\$2,610.00
Independent Claims	22 - 3 = 19 x \$80.00		\$1,520.00
Multiple Dependent Claims	\$270 (if applicable)	<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130 (if applicable)		\$130.00
TOTAL OF ABOVE CALCULATIONS			\$4,970.00
Reduction by 1/2 for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.			
		<input checked="" type="checkbox"/>	\$2,485.00
Extension of Time (from above)		<input checked="" type="checkbox"/>	\$55.00
Assignment--\$40 (if applicable)		<input checked="" type="checkbox"/>	\$40.00
TOTAL FEES SUBMITTED HEREWITH			\$2,580.00

4. **METHOD OF PAYMENT OF FEES:**

- ☒ Check in the total amount of \$2,580.00 are enclosed to cover the above fee(s).
☐ Charge Deposit Account No. **50-1273** in the amount of \$0.00
☒ The Commissioner is authorized to charge Counsel's Deposit Account No. **50-1273** for any fees required under 37 CFR 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account **50-1273**.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

Dated: April 10, 2001

By: Richard H. Pagliery
Richard H. Pagliery
Reg. No. 44,276

RHP:jxb

BROBECK, PHLEGER & HARRISON LLP

12390 El Camino Real
San Diego, CA 92130-2081
Telephone: (858) 720-2500
Facsimile: (858) 720-2555